



#7 declaration  
2/25/03

Attorney Docket No. 30874.104/SU1

MERCHANT & GOULD P.C.  
United States Patent Application  
DECLARATION

As a below named inventor, we hereby declare that: our residences, post office addresses and citizenships are as stated below next to our names; that

We verily believe we are the original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled SPIN VALVE HEAD USING HIGH-COERCIVITY HARD BIAS LAYER, the specification of which is was filed on March 23, 2001, and identified in the U.S. Patent and Trademark Office as Serial No. 09/815,746.

We hereby state that we have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

We acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (described herein below).

We hereby claim foreign priority benefits under Title 35, United States Code, § 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

- a. ☒ no such applications have been filed.  
b. ☐ such applications have been filed as follows:

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FOREIGN APPLICATION(S), IF ANY, CLAIMING PRIORITY UNDER 35 USC § 119 Technology Center 2600			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)
ALL FOREIGN APPLICATION(S), IF ANY, FILED BEFORE THE PRIORITY APPLICATION(S)			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)

We hereby claim the benefit under Title 35, United States Code, § 120/365 of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, we acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.


U.S. APPLICATION NUMBER	DATE OF FILING (day, month, year)	STATUS (patented, pending, abandoned)

We hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

U.S. PROVISIONAL APPLICATION NUMBER	DATE OF FILING (Day, Month, Year)
60/191,821	March 24, 2000

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2	Full Name Of Inventor	Family Name MAO	First Given Name SINING	Second Given Name
0	Residence & Citizenship	City SAVAGE	State or Foreign Country MINNESOTA	Country of Citizenship P. R. CHINA
1	Mailing Address	Address 13927 AQUILA AVENUE	City SAVAGE	State & Zip Code/Country MINNESOTA 55378/P. R. CHINA
Signature of Inventor 201:			Date: 7/16/02	
2	Full Name Of Inventor	Family Name GAO	First Given Name ZHENG	Second Given Name
0	Residence & Citizenship	City BLOOMINGTON	State or Foreign Country MINNESOTA	Country of Citizenship P. R. CHINA
2	Mailing Address	Address 5200 WEST 102ND STREET, APT. 201	City BLOOMINGTON	State & Zip Code/Country MINNESOTA 55437/P. R. CHINA
Signature of Inventor 202:			Date: Aug 1, 2002	
2	Full Name Of Inventor	Family Name NAMAN	First Given Name ANANTH	Second Given Name
0	Residence & Citizenship	City <del>EDINA</del> SAN JOSE	State or Foreign Country <del>MINNESOTA</del> CALIFORNIA	Country of Citizenship USA
3	Mailing Address	Address 5259 WOODSTOCK WAY 7700 CAHILL ROAD, APT. 208	City <del>EDINA</del> SAN JOSE	State & Zip Code/Country <del>MINNESOTA 55439</del> USA
Signature of Inventor 203:			Date: 10/1/2002	
2	Full Name Of Inventor	Family Name MARKUSON	First Given Name DEAN	Second Given Name WALTER
0	Residence & Citizenship	City ANOKA	State or Foreign Country MINNESOTA	Country of Citizenship USA
4	Mailing Address	Address 917 ADAMS STREET	City ANOKA	State & Zip Code/Country MINNESOTA 55303/USA
Signature of Inventor 204:			Date: Aug 2, 2002	
2	Full Name Of Inventor	Family Name ANDERSON	First Given Name PAUL	Second Given Name EDWARD
0	Residence & Citizenship	City EDEN PRAIRIE	State or Foreign Country MINNESOTA	Country of Citizenship USA
5	Mailing Address	Address 6850 KINGSTON DRIVE	City EDEN PRAIRIE	State & Zip Code/Country MINNESOTA 55346/USA
Signature of Inventor 205:			Date: 5 August 2002	
2	Full Name Of Inventor	Family Name CHEN	First Given Name LUJUN	Second Given Name
0	Residence & Citizenship	City EDEN PRAIRIE	State or Foreign Country MINNESOTA	Country of Citizenship P. R. CHINA
6	Mailing Address	Address 7341 WOODVALE COURT	City WEST HILLS	State & Zip Code/Country CALIFORNIA 91307/USA
Signature of Inventor 206:			Date: 10/18/2002	

2	<b>Full Name Of Inventor</b>	<b>Family Name</b> XUE	<b>First Given Name</b> SONG	<b>Second Given Name</b>
0	<b>Residence &amp; Citizenship</b>	<b>City</b> EDEN PRAIRIE	<b>State or Foreign Country</b> MINNESOTA	<b>Country of Citizenship</b> P. R. CHINA
7	<b>Mailing Address</b>	<b>Address</b> 10382 MEIER LANE	<b>City</b> EDEN PRAIRIE	<b>State &amp; Zip Code/Country</b> MINNESOTA 55347/USA
Signature of Inventor 207: 			Date: 8/2/2002	

#### § 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

(1) prior art cited in search reports of a foreign patent office in a counterpart application, and

(2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
- (i) Opposing an argument of unpatentability relied on by the Office, or
  - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

(1) Each inventor named in the application:

(2) Each attorney or agent who prepares or prosecutes the application; and

(3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.